

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

FRANCES SPURLOCK AND JEFFREY	)	
SPURLOCK <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:09-cv-00756
	)	
DAVID FOX <i>et al.</i> ,	)	Judge Nixon
	)	
Defendants.	)	

**STIPULATED EXHIBITS**

Pursuant to the Court's October 7, 2009 Case Management Order, the parties jointly submit the following list of stipulated exhibits. Defendants' exhibits, to which plaintiffs have stipulated, include the following:

1. 2009-10 Student Assignment Plan (Bates Nos. 478-580)
2. 2009-10 Student Assignment Plan Executive Summary (Bates Nos. 12-18)
3. 1998-2008 Student Assignment Plans
4. MNPS file related to Spurlock School Choice and Transfer Request
5. MNPS file related to Lewis School Choice and Transfer Request
6. MNPS file related to Lawson School Choice and Transfer Request
7. Booklets and Charts Showing Student Assignment Changes by Cluster
8. Charts of Outstanding Book Orders w/ Demographics
9. No Child Left Behind Data for 2006-09 for MNPS Schools
10. Budget Chart Showing Additional Funds for Pearl-Cohn Cluster
11. Memorandum from Karen Johnson Recommending Task Force (Bates Nos. 1923-24)
12. December 11, 2007 School Board Minutes (Bates Nos. 26-38)
13. E-mail distributing proposal by Melvin Black and Don Majors, with proposal (Bates Nos. 74-108)

14. Information Considered by Student Assignment Task Force
15. Information Presented to School Board Regarding Proposed Student Assignment Plan
16. 2008-09 / 2009-10 Demographic Information / Enrollment Data
17. Student Assignment Plan Proposed by Dr. Garcia
18. Final Evaluation for Dr. Garcia
19. Student Assignment Task Force, Goals and Factors to Consider (Bates No. 211)
20. Rezoning Variations Considered by the Task Force (Bates Nos. 215-422)
21. Minutes from Task Force Meeting Unanimously Approving Student Assignment Plan (Bates No. 183)
22. Minutes from July 8, 2008 School Board Meeting (Bates Nos. 423-43)
23. Student Assignment Task Force Training Materials (Bates Nos. 2007-270)
24. Student Assignment Task Force Work Product (Bates Nos. 1922-2006)
25. Student Assignment Services - Board Monitoring Report
26. MNPS Press Release dated February 13, 2009 (Bates No. 959)
27. MNPS Press Release dated February 26, 2009 (Bates Nos. 960-61)
28. MNPS Call-Out Records (Bates Nos. 964-1009)
29. Monday Memo dated January 5, 2009 (Bates Nos. 1017-19)
30. 2009-10 Student Assignment Communications Plan (Bates Nos. 1068-73)
31. MNPS Website "Open Enrollment" Page (Bates Nos. 1083-85)
32. MNPS Website "Rezoning and School Choice Plan" Page (Bates Nos. 1090-91)
33. MNPS Website "Zoned Choice" and "Grandfather Clause" Pages (Bates Nos. 1092-93)
34. MNPS Website "District-Wide Changes" Page (Bates Nos. 1097-98)
35. MNPS Website "Pearl Cohn Cluster Changes" Page (Bates Nos. 1116-17)
36. *Kelly* Litigation Agreement
37. Guardian Contact Information for Lewis
38. Tennessee Accountability Chart for School Systems

39. Chamber of Commerce School Board Donation Criteria
40. Cluster Maps for 2008-09 and 2009-10
41. January 9, 1998 Letter from Marian Harrison to Board Members
42. Zoned Option Correspondence
43. Charts Outlining Zoned Option Responses
44. 2008-10 MNPS Budgets
45. Personnel and Payroll Data for Pearl-Cohn Cluster (1853)
46. Open Enrollment Charts
47. 2007 School-by-School NCLB Status Memorandum (1203-15)
48. MNPS Student Assignment Policy, SBO 1.105

With respect to Plaintiffs' exhibits, defendants stipulate to the admissibility of the following (which, in several instances, are duplicative of defendants' exhibits):

1. Executive Summary (Bates Nos. 11-18)
2. Comprehensive Timeline of Events (Bates Nos. 20-22)
3. Minutes from December 11, 2007 School Board Meeting (Bates Nos. 24-38)
4. DVD of May 28, Board Work Session (Bates No. 39)
5. Mission, Rationale, and Goals of the Rezoning Plan (Bates Nos. 41-51)
6. Task Force Members with Demographics (Bates Nos. 53)
7. Training Materials for Task Force (Bates Nos. 2007-2270)
8. Work Product from Task Force (1922-2006)
9. Facility Needs Studies (Bates Nos. 186-191)
10. Program Capacity Studies (Bates Nos. 192-202)
11. Student Population Projections for 2009-10 (203-208)
12. Criteria and Software for Redrawing Zoning Lines (Bates Nos. 209-213)
13. Rezoning Variations Considered by the Task Force (Bates Nos. 214-422)

14. Minutes from July 8, 2008 School Board Meeting (423-443)
15. Memorandum to OCR (Bates Nos. 445, 465-68)
16. Minutes from October 28, 2008 School Board Meeting (Bates Nos. 470-76)
17. Approved Rezoning Plan (Bates Nos. 478-580)
18. Children First Public Announcements (Bates Nos. 851-936)
19. Press Releases and Media Advisories (Bates Nos. 937-962)
20. MNPS Automated Call-Out System Scripts and Reports (Bates Nos. 963-1009)
21. Monday Memos (Bates Nos. 1011-1031)
22. Communicating the Implementation of Rezoning to Parents & Community (Bates Nos. 1068-1167)
23. MNPS District Policy (Bates Nos. 1169-1201)
24. Other Information Considered by Task Force (Bates Nos. 1203-1337)
25. Review and Analysis of Rezoning Literature (Bates Nos. 1339-1359)

Defendants note that by stipulating to the admissibility of these exhibits, they do not necessarily agree that the documents may come into evidence for the truth of the matter asserted. A number of documents, specifically those presented to the Task Force, are relevant for the effect on the listener, but do not necessarily satisfy a hearsay exception. Furthermore, Defendants specifically maintain their objection to the admissibility of either of Dr. Garcia's memoranda discussing the rezoning plan.

For the Court's convenience, the parties will prepare exhibit binders that contain the stipulated exhibits.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
Sue B. Cain, #9380, Director of Law

s/ Kevin C. Klein

James L. Charles, # 9007  
Kevin C. Klein, #22301  
Keli J. Oliver, #21023  
James W.J. Farrar, #22782  
Allison L. Bussell, #23538  
Assistant Metropolitan Attorneys  
P.O. Box 196300  
Nashville, Tennessee 37219  
(615) 862-6341

*Attorneys for Defendants*

s/ Larry D. Woods

Larry D. Woods, #2395  
Allen N. Woods II, #23103  
707 18<sup>th</sup> Avenue South, Ste. 9  
P.O. Box 128498  
Nashville, Tennessee 37212  
(615) 321-1426

*Attorneys for Plaintiffs*